

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
WHITE PLAINS DIVISION**

**CAROL WHYBLE, ANTHONY BROWN,
REBECCA CARRANZA, SUE DEMELE,
SHERRY GREENE, RENEE RANDALL,
BRENDA TUCKER, and CHARLES
GEOFFREY WOODS, individually and on
behalf of all others similarly situated,**

Plaintiff,

v.

THE NATURE'S BOUNTY CO.,

Defendant.

Civil No. 7:20-cv-03257-NSR

District Judge Nelson S. Roman
Courtroom 218
Magistrate Judge Andrew E. Krause

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 04/19/2022

**ORDER ON THE STIPULATION REGARDING
MOTION TO DISMISS AND THE FILING OF AN AMENDED COMPLAINT**

Pending before the Court is the parties' stipulation regarding the motion to dismiss and the filing of an amended complaint. Having reviewed the stipulation and good cause appearing, the Court hereby **GRANTS** the stipulation, and orders:

Plaintiffs shall have up to and including May 13, 2022: (i) to oppose the motion to dismiss the operative complaint, or (ii) to file a motion for leave to amend the complaint (attaching the proposed Second Amended Complaint), or (iii) by agreement of the parties, to file a Second Amended Complaint.

IT IS SO ORDERED.

DATED: April 19, 2022
White Plains, NY



HONORABLE NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

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**STIPULATION REGARDING MOTION TO DISMISS
AND THE FILING OF AN AMENDED COMPLAINT**

Plaintiffs Carol Whyble, Anthony Brown, Rebecca, Carranza, Sue Demele, Sherry Greene, Renee, Randall, Brenda Tucker, and Charles Geoffrey Woods and Defendant The Nature’s Bounty Co. hereby stipulate to extend the deadline for Plaintiffs to file a response to Defendant’s pending motion to dismiss, or alternatively, to file a motion for leave to amend the complaint. In support of their agreement, the parties state:

WHEREAS, following the Ninth Circuit’s recent decision in another similar action regarding Defendant’s Osteo Bi-Flex products, the parties met and conferred and agreed upon a briefing schedule for Defendant’s renewed motion to dismiss the operative amended complaint;

WHEREAS, on February 9, 2022, the Court approved the parties’ agreed upon schedule for a renewed motion to dismiss;

WHEREAS, Defendant filed its renewed motion to dismiss on March 10, 2022;

WHEREAS, Plaintiffs' opposition to the motion to dismiss was due April 8, 2022;

WHEREAS, Plaintiffs have requested additional time to oppose the motion to dismiss or move to amend the complaint and Defendants consent to the extension of time;

WHEREAS, Defendant does not waive its right to oppose a motion for leave to file an amended complaint, but will continue to meet and confer on the matter after receiving the proposed Second Amended Complaint;

WHEREFORE, the parties agree that Plaintiffs shall have up to and including May 13, 2022, (i) to oppose the motion to dismiss the operative complaint, or (ii) to file a motion for leave to amend the complaint (attaching the proposed Second Amended Complaint), or (iii) by agreement of the parties, to file a Second Amended Complaint.

Respectfully submitted,

Dated: April 14, 2022

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By: s/ Timothy G. Blood

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Dated: April 14, 2022

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ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to this document.

Dated: April 14, 2022

BLOOD HURST & O'REARDON, LLP

By: s/ Timothy G. Blood

TIMOTHY G. BLOOD

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 18, 2022, a copy of the foregoing document was electronically filed with the United States District Court, Southern District of New York, via the Court's CM/ECF filing system, which will send notification of such filing to counsel of record, on April 18, 2022.

s/ Timothy G. Blood

Timothy G. Blood